

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

|                              |   |                          |
|------------------------------|---|--------------------------|
| IN RE:                       | § | CASE NO. 04-43936-H3-13  |
|                              | § |                          |
| PHYLLIS B TYLER,             | § |                          |
| Debtor                       | § | CHAPTER 13               |
|                              | § |                          |
| US BANK, NA, IT'S SUCCESSORS | § |                          |
| AND/OR ASSIGNS,              | § |                          |
| Movant                       | § | HEARING DATE: 01/11/2006 |
|                              | § |                          |
| v.                           | § | TIME: 10:00 AM           |
|                              | § |                          |
| PHYLLIS B TYLER; and WILLIAM | § |                          |
| HEITKAMP, Trustee            | § |                          |
| Respondents                  | § | JUDGE LETITIA Z. CLARK   |

**MOTION FOR RELIEF FROM THE STAY REGARDING EXEMPT PROPERTY**

**THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF YOU OBJECT TO THE GRANTING OF RELIEF FROM THE AUTOMATIC STAY, YOU SHOULD CONTACT THE MOVANT IMMEDIATELY TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A WRITTEN RESPONSE AND SEND A COPY TO MOVANT NOT LATER THAN JANUARY 06, 2006 AND YOU MUST ATTEND THE HEARING. THE COPY SENT TO THE MOVANT MUST BE DELIVERED BY HAND OR ELECTRONIC DELIVERY IF IT IS SENT LESS THAN FIVE BUSINESS DAYS PRIOR TO THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE HEARING MAY BE AN EVIDENTIARY HEARING AND THE COURT MAY GRANT OR DENY RELIEF FROM THE STAY BASED ON THE EVIDENCE PRESENTED AT THIS HEARING. THE COURT WILL CONDUCT A HEARING ON THIS MOTION ON JANUARY 11, 2006 AT 10:00 AM IN COURTROOM 401, 4TH FLOOR, 515 RUSK AVENUE, 4TH FLOOR HOUSTON, TX 77002.**

1. Movant: US BANK, NA, IT'S SUCCESSORS AND/OR ASSIGNS
2. Movant, directly or as agent for the holder, holds a security interest in  
  
4507 PARK BREEZE DRIVE  
FRESNO, TX 77545-0000  
  
LOT FIVE (5), IN BLOCK TWO (2), OF TEAL RUN, SECTION TEN (10), AN  
ADDITION IN FORT BEND COUNTY, TEXAS, ACCORDING TO THE MAP OR  
PLAT THEREOF RECORDED IN SLIDE NO. 1933/A OF THE PLAT RECORDS OF  
FORT BEND COUNTY, TEXAS.
3. The Debtor's exemptions **X** have \_\_\_ have not been allowed.
4. Type of collateral: Real Estate.

5. Debtor's scheduled value of property: **\$145,000.00.**
6. Movant's estimated value of property: \$145,000.00.
7. Total amount owed to movant: \$154,354.25.
8. Estimated equity (paragraph 6 minus paragraph 7): \$-9,354.25.
9. Total pre and post-petition arrearages: \$36,946.14.
10. Total post-petition arrearages: \$7,267.80.
11. Amount of unpaid, past due property taxes, if applicable: UNKNOWN.
12. Expiration date on insurance policy, if applicable: **UNKNOWN.**
13. Debtor(s)' payment history is attached as exhibit "A", in the form required by Local Rule 4001(a)(6).
14. Name of Co-Debtor: Not Applicable.
15. Based on the foregoing, movant seeks termination of the automatic stay to allow movant to foreclose or repossess the debtor(s)' property and seeks to recover its costs and attorneys' fees in an amount not to exceed the amount listed in paragraph 8.
16. Movant certifies that prior to filing this motion an attempt was made to confer with the Debtor(s)' counsel (or with Debtor(s), if *pro se*) by the following person on the following date and time:

Conf call email to counsel with arrears and asked to cure in AO or surrender.

November 07, 2005 at 9:41 p.m.

An agreement could not be reached.

Date: 12/12/2005

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/s/ WALTER THURMOND

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TBA NO. 20012500

1900 St. James Place, Suite 500

Houston, Texas 77056

Telephone: (713) 621-8673

Facsimile: (713) 621-8583

E-mail: SDECf@BBWCDF.COM

ATTORNEY FOR MOVANT

**Certificate of Service and Certificate of Compliance with BLR 4001**

A copy of this motion was served on the persons shown on exhibit "1" at the addresses reflected on that exhibit on December 12, 2005 via electronic means as listed on the Court's ECF Noticing System or by prepaid United States first class mail. Movant certifies that movant has complied with Bankruptcy Local Rule 4001.

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/s/ WALTER THURMOND

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Houston, Texas 77056

Telephone: (713) 621-8673

Facsimile: (713) 621-8583

E-mail: SDECF@BBWCDF.COM

ATTORNEY FOR MOVANT

**EXHIBIT 1**

DEBTOR:  
PHYLLIS B TYLER  
4507 PARK BREEZE DR  
FRESNO, TX 77545-0000

TRUSTEE:  
WILLIAM HEITKAMP  
9821 KATY FREEWAY, #590  
HOUSTON, TX 77024

DEBTOR'S ATTORNEY:  
MICHAEL J. PLEDGER  
3120 SOUTHWEST FRWY, STE 218  
HOUSTON, TX 77098

PARTIES IN INTEREST:  
INTERNAL REVENUE SERVICE  
INSOLVENCY SECTION  
STOP 5024 HOU  
1919 SMITH STREET  
HOUSTON, TX 77002-0000

PARTIES REQUESTING NOTICE:  
ERICH M RAMSEY  
2000 E LAMAR BLVD  
STE 590  
ARLINGTON, TX 76006-0000

TARA L GRUNDEMEIER  
1301 TRAVIS STREET  
SUITE 300  
HOUSTON, TX 77002-0000